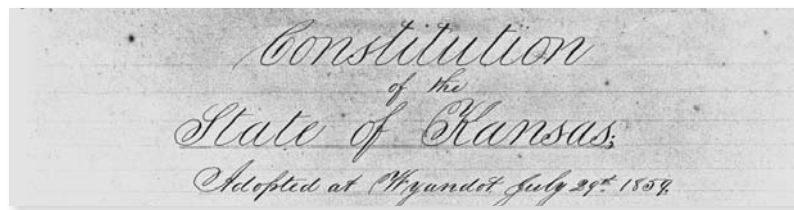


By the Kansas Historical Society

## The Struggle for Civil Rights When Forming the Wyandotte Constitution

The people of Kansas Territory struggled to write and pass a state constitution. Settling the issue of slavery was quite difficult. Four constitutions were written. The fourth and final constitution was written in the city of Wyandotte. Known as the Wyandotte Constitution, it made Kansas a free state.

The Wyandotte Constitution did not immediately gain approval in the U.S. Congress. The issue of slavery remained unsettled at the federal level. If Kansas entered the Union as a free state it would further upset the balance of power between free and slave states. As the Southern states began to secede from the Union, Kansas gained enough votes to become a state. On January 29, 1861, Kansas became the 34th state and the Wyandotte Constitution became the Kansas Constitution.



### Civil Rights

At the time of its passage, the Kansas Constitution did not provide for the civil rights of all people. The Kansas Bill of Rights states, "All men are possessed of equal and inalienable natural rights." It does not say "some men." It also says that, "all political power is inherent in the people." It does not say "some people." Yet, the Kansas Constitution gave most rights and privileges to "white men" over the age of 21.

The Kansas Constitution was patterned after the U.S. Constitution and other state constitutions of the time. For that reason the Kansas Constitution followed the current social patterns. White men held the political power.

During the Wyandotte Constitutional Convention there had been many arguments about who were the "people" who held "all political power." The delegates to the convention were all white and male. But some argued for the rights of foreigners, American Indians, African Americans, and women.

### The Rights of Women

Some women argued that Kansas could not be a free state as long as the words "white" and "male" were in the constitution. They wanted the right to vote. They also wanted rights over their own property and their children. At the time women had few rights. Yet, women had moved to Kansas to fight against the spread of

slavery, just as men had. Many women felt it was their time to be treated equally.

Some delegates to the constitutional convention spoke in favor of women's rights. John Ritchey, the delegate from Topeka, spoke against giving rights to only white men. He called such measures "arbitrary." Ritchey spoke for women.



*I am opposed to the measure on other considerations than this. Place it upon intelligence and purity, and I say my mother, and sister, and wife is made the servant of a trembling weak-kneed Democracy or Republicanism. Who has made a speech that was more compact, and that showed more of intelligence than a lady in this hall a few evenings since, and yet this Constitutional Convention, on account of prejudice, on account of usage, is willing to pursue their time-honored course, and is not willing to listen to reason and facts of humanity.*

When the Wyandotte Constitution was finally adopted, it gave women more rights than they had in other states. Women were given rights over their children and property. They were also given the right to vote in school board elections.

### **The Rights of African Americans and American Indians**

The Wyandotte Constitution gave the right to vote to "every white male person, of twenty-one years and upward." This included both U.S. citizens and those white men who had declared their intention to become citizens. It also restricted membership in the state militia to white men.

The delegates to the convention had lengthy discussions about whether to give the same rights to African Americans and American Indians. By the time of the constitutional convention in 1859, some American Indians had taken on the lifestyle of white Americans. Some delegates felt Indians should be able to vote. Others wanted to exclude Indians who continued their traditional way of life.

Most delegates had come to Kansas from free states. By the time of the Wyandotte Convention things had changed in Kansas Territory and most people were against slavery. However, giving equal rights to African Americans did not necessarily follow. Some delegates wanted to grant rights to African Americans and others did not. In the end, certain rights were given only to whites.

### **Civil Rights Today**

Over time, the people of Kansas and the United States amended the state and U.S. constitutions. Today all people have the same rights and protection under these constitutions.